UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/60/CO/6
21 May 2002

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixtieth session
4-22 March 2002

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

Jamaica

1. The Committee considered the eighth to fifteenth periodic reports of Jamaica, submitted as one document (CERD/C/383/Add.1), at its 1511th and 1512th meetings (CERD/C/SR.1511 and CERD/C/SR.1512), held on 14 and 15 March 2002. At its 1521st meeting (CERD/C/SR.1521), held on 21 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the eighth to fifteenth periodic reports of Jamaica as well as the additional information provided by the delegation during its oral presentation. While regretting the limited information provided in the report, including with respect to follow-up to previous concluding observations, the Committee expressed appreciation for the opportunity to renew its dialogue with the State party after a lapse of more than eight years.

* Please note that the symbol CERD/C/Session No./CO/... will from now on replace the previous symbol CERD/C/304/Add.... .

B. Positive aspects

3. The Committee welcomes the enactment of the Public Defenders (Interim) Act (1999), which created the office of the Public Defender to protect and enforce human rights and provide a remedy for the infringement of those rights.

C. Concerns and recommendations

4. The Committee notes that the State party has undertaken a constitutional review process intended, inter alia, to provide for the enactment of a Ratification of Treaties Act to ensure the incorporation of international treaty obligations into domestic legislation. Noting that this activity has been under way for some time, the Committee encourages the State party to take further measures to finalize the review process and to submit relevant information concerning this matter in its next periodic report. The Committee also wishes to receive more specific information concerning the implementation of the "fundamental rights and freedoms" provided in section 24 of the Constitution, especially those aimed at addressing discrimination based on race, colour or ethnic origin.

5. The Committee reminds the State party that it has difficulties in accepting the mere assertion made by States parties as to the absence of racial discrimination in their territory. The Committee also reminds the State party that the absence of complaints by victims of racial discrimination could indicate a lack of awareness of available legal remedies. It encourages the State party to reconsider its position concerning racial discrimination in its territory and to implement effective measures to address direct and indirect discrimination. Moreover, the Committee recommends that the State party take appropriate measures to inform the public of the availability of legal remedies for victims of racial discrimination. It further requests the State party to include in its next periodic report statistical information on possible prosecutions in cases related to racial discrimination.

6. The Committee is concerned about the absence in the State party of specific legislative, administrative and other measures which aim to give effect to article 4 of the Convention, especially article 4 (b), prohibiting racist organizations. The Committee underlines the obligations of the State party under the Convention and reiterates its view as to the preventive role of such measures. In this connection, the Committee also draws the attention of the State party to its general recommendation VII and general recommendation XV, affirming the compatibility of the prohibition of the dissemination of ideas based upon racial superiority or hatred with the right to freedom of opinion and expression. The Committee urges the State party to give due consideration to adopting the necessary legislation to comply with article 4, particularly article 4 (b), of the Convention as a matter of priority.

7. The Committee again suggests that the State party consider withdrawing its reservation to article 4 of the Convention.

8. It is regretted that the State party report did not include sufficiently adequate information on article 5 of the Convention to enable the Committee to examine effectively the situation of civil and political rights as well as economic, social and cultural rights as they relate to the

various ethnic groups in Jamaica The Committee recommends that the State party include in its forthcoming report information concerning the measures taken to implement article 5 of the Convention.

9. The Committee expresses concern about the limited information, including relevant demographic statistical data, provided in the State party report. While noting the State party's statement that it does not compile data based on race and ethnicity, the Committee recalls the importance of data, which enable it to assess the situation of minorities in a given State. In this regard, it urges the State party to reconsider its position and to provide information in its next periodic report on the following issues: (a) the ethnic composition of the population, and in particular statistical data relating to the numerically small ethnic groups; (b) disagreggated data on the employment of different racial groups in government service in different sectors.

10. The Committee notes the absence of any reference in the report to the contribution of civil society organizations in the promotion of ethnic harmony, and expresses its hope that the next periodic report will reflect the contribution of such organizations, particularly those dealing with issues related to combating racial discrimination, including raising awareness about the Convention.

11. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

12. The Committee recommends that the State party consider the possibility of making the optional declaration provided for in article 14 of the Convention.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

14. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

15. The Committee recommends that the State party submit its sixteenth periodic report together with the seventeenth report, due on 4 July 2004, as an updating report responding to all the points raised in these concluding observations.